

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORDER OF COURT

AND NOW, this 9th day of December, 2009, for the reasons set forth in the accompanying Memorandum Opinion, IT IS HEREBY ORDERED that as follows:

1. Plaintiff's motion for summary judgment (Doc. No. 7) is GRANTED.
2. Defendant's motion for summary judgment (Doc. No. 9) is DENIED.
3. This case is remanded to the Commissioner for further proceedings.
4. The Clerk of Court shall mark this case closed.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

Dated: December 9, 2009.
cc/ecf: All counsel of record.